

105TH CONGRESS
2D SESSION

H. R. 3303

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1998

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28, United States Code, with respect to the use of funds available to the Department of Justice; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Justice
5 Appropriations Authorization Act, Fiscal Years 1999,
6 2000, and 2001”.

7 **TITLE I—AUTHORIZATION OF**
8 **APPROPRIATIONS FOR FIS-**
9 **CAL YEARS 1999, 2000, AND**
10 **2001**

11 **Subtitle A—Specific Provisions**

12 **SEC. 101. SUMS AUTHORIZED TO BE APPROPRIATED.**

13 There are authorized to be appropriated for fiscal
14 years 1999, 2000, and 2001, to carry out the activities
15 of the Department of Justice (including any bureau, of-
16 fice, board, division, commission, or subdivision thereof),
17 the following sums:

18 (1) For General Administration, salaries and
19 expenses: \$238,085,000 for fiscal year 1999,
20 \$249,989,000 for fiscal year 2000, and
21 \$262,489,000 for fiscal year 2001.

22 (2) For Administrative Review and Appeals:
23 \$144,863,000 for fiscal year 1999, \$152,106,000 for
24 fiscal year 2000, and \$159,712,000 for fiscal year

2001, for administration of pardon and clemency petitions and for immigration related activities.

(3) For the Office of Inspector General: \$34,610,000 for fiscal year 1999, \$36,341,000 for fiscal year 2000, and \$38,158,000 for fiscal year 2001, which shall include—

(A) not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General; and

(B) funds for the purchase, lease, maintenance, and operation of motor vehicles without regard to the general purchase price limitation.

(4) For General Legal Activities: \$485,506,000 for fiscal year 1999, \$509,781,000 for fiscal year 2000, and \$535,270,000 for fiscal year 2001, which shall include—

(A) not less than \$4,000,000 for each fiscal year for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed \$20,000 for each fiscal year to meet unforeseen emergencies of a confidential character to be expended under the di-

1 rection of the Attorney General and to be ac-
2 counted for solely on the certificate of the At-
3 torney General.

4 (5) For the Antitrust Division: \$102,845,000
5 for fiscal year 1999, \$107,987,000 for fiscal year
6 2000, and \$113,386,000 for fiscal year 2001.

7 (6) For United States Attorneys:
8 \$1,106,993,000 for fiscal year 1999,
9 \$1,162,343,000 for fiscal year 2000, and
10 \$1,220,460,000 for fiscal year 2001.

11 (7) For the Federal Bureau of Investigation:
12 \$3,014,654,000 for fiscal year 1999,
13 \$3,164,679,000 for fiscal year 2000, and
14 \$3,322,913,000 for fiscal year 2001, which shall in-
15 clude—

16 (A) not to exceed \$14,146,000 for each fis-
17 cal year—

18 (i) for construction, acquisition, or
19 renovation of buildings (including equip-
20 ment for such buildings) and sites, by pur-
21 chase or as otherwise authorized by law;

22 (ii) for conversion or extension of fed-
23 erally owned buildings; and

24 (iii) for preliminary planning and de-
25 sign of projects,

1 to remain available until expended; and

2 (B) not to exceed \$70,000 for each fiscal
3 year to meet unforeseen emergencies of a con-
4 fidential character to be expended under the di-
5 rection of the Attorney General and to be ac-
6 counted for solely on the certificate of the At-
7 torney General.

8 (8) For the United States Marshals Service:
9 \$529,143,000 for fiscal year 1999, \$554,785,000 for
10 fiscal year 2000, and \$582,525,000 for fiscal year
11 2001, which shall include—

12 (A) not to exceed \$6,300,000 for each fis-
13 cal year—

14 (i) for construction, acquisition, or
15 renovation of buildings (including equip-
16 ment for such buildings) and sites, by pur-
17 chase or as otherwise authorized by law;

18 (ii) for conversion or extension of fed-
19 erally owned buildings; and

20 (iii) for preliminary planning and de-
21 sign of projects,

22 to remain available until expended; and

23 (B) \$10,000,000 for each fiscal year for
24 administrative expenses of the Justice Prisoner

1 and Alien Transportation System to remain
2 available until expended.

3 (9) For the Drug Enforcement Administration:

4 \$1,193,102,000 for fiscal year 1999,
5 \$1,252,358,000 for fiscal year 2000, and
6 \$1,314,994,000 for fiscal year 2001, which shall in-
7 clude—

8 (A) not to exceed \$8,000,000 for each fis-
9 cal year—

10 (i) for construction, acquisition, or
11 renovation of buildings (including equip-
12 ment for such buildings) and sites, by pur-
13 chase or as otherwise authorized by law;

14 (ii) for conversion or extension of fed-
15 erally owned buildings; and

16 (iii) for preliminary planning and de-
17 sign of projects,

18 to remain available until expended;

19 (B) not to exceed \$70,000 for each fiscal
20 year to meet unforeseen emergencies of a con-
21 fidential character to be expended under the di-
22 rection of the Attorney General and to be ac-
23 counted for solely on the certificate of the At-
24 torney General or the Deputy Attorney General;
25 and

1 (C) not to exceed \$15,000,000 for each fis-
2 cal year for diversion control.

3 (10) For the Immigration and Naturalization
4 Service: \$2,727,490,000 for fiscal year 1999,
5 \$2,839,756,000 for fiscal year 2000, and
6 \$2,981,544,000 for fiscal year 2001, which shall in-
7 clude—

8 (A) not to exceed \$118,170,000 for each
9 fiscal year—

10 (i) for construction, acquisition, or
11 renovation of buildings (including equip-
12 ment for such buildings) and sites, by pur-
13 chase or as otherwise authorized by law;

14 (ii) for conversion or extension of fed-
15 erally owned buildings; and

16 (iii) for preliminary planning and de-
17 sign of projects,

18 to remain available until expended;

19 (B) not to exceed \$50,000 for each fiscal
20 year to meet unforeseen emergencies of a con-
21 fidential character to be expended under the di-
22 rection of the Attorney General and to be ac-
23 counted for solely on the certificate of the At-
24 torney General; and

1 (C) not to exceed \$4,000,000 for each fis-
2 cal year to establish and operate—

3 (i) a district office in Memphis, Ten-
4 nessee, for the States of Tennessee, Arkan-
5 sas, and Kentucky, and the portion of the
6 State of Mississippi north of the city of
7 Jackson;

8 (ii) a district office in San Jose, Cali-
9 fornia, for the counties of Monterey, Santa
10 Clara, San Benito, and Santa Cruz of the
11 State of California;

12 (iii) a suboffice in Nashville, Ten-
13 nessee, for the counties of Anderson,
14 Blount, Campbell, Cannon, Carter,
15 Cheatham, Claiborne, Clay, Cocke, Cum-
16 berland, Davidson, DeKalb, Dickson, Fen-
17 tress, Grainger, Greene, Hamblen, Han-
18 cock, Hawkins, Houston, Humphreys,
19 Jackson, Jefferson, Johnson, Knox,
20 Loudon, Macon, Monroe, Montgomery,
21 Morgan, Overton, Pickett, Putnam, Roane,
22 Robertson, Rutherford, Scott, Sevier,
23 Smith, Stewart, Sullivan, Sumner,
24 Trousdale, Unicoi, Union, Washington,

1 White, Williamson, and Wilson of the State
2 of Tennessee; and

3 (iv) a district office in Charlotte,
4 North Carolina, for the States of North
5 Carolina and South Carolina.

6 (11) For Fees and Expenses of Witnesses:
7 \$95,000,000 for fiscal year 1999, \$99,750,000 for
8 fiscal year 2000, and \$104,738,000 for fiscal year
9 2001, which shall remain available until expended
10 and which shall include not to exceed \$6,000,000 for
11 each fiscal year for planning, construction, renova-
12 tion, maintenance, remodeling, and repair of build-
13 ings, and the purchase of equipment incidental
14 thereto, for protected witness safesites.

15 (12) For Interagency Crime and Drug Enforce-
16 ment: \$304,014,000 for fiscal year 1999,
17 \$319,215,000 for fiscal year 2000, and
18 \$335,176,000 for fiscal year 2001, for expenses not
19 otherwise provided for, for the investigation and
20 prosecution of individuals involved in organized
21 crime drug trafficking, except that any funds obli-
22 gated from appropriations authorized by this para-
23 graph may be used under authorities available to the
24 organizations reimbursed from such funds.

1 (13) For the Federal Prison System, including
2 the National Institute of Corrections:
3 \$4,508,480,000 for fiscal year 1999,
4 \$4,733,900,000 for fiscal year 2000, and
5 \$4,970,595,000 for fiscal year 2001.

6 (14) For the Foreign Claims Settlement Com-
7 mission: \$1,335,000 for fiscal year 1999,
8 \$1,402,000 for fiscal year 2000, and \$1,472,000 for
9 fiscal year 2001.

10 (15) For the Community Relations Service:
11 \$8,899,000 for fiscal year 1999, \$9,344,000 for fis-
12 cal year 2000, and \$9,812,000 for fiscal year 2001.

13 (16) For the Assets Forfeiture Fund:
14 \$23,000,000 for fiscal year 1999, \$24,150,000 for
15 fiscal year 2000, and \$25,358,000 for fiscal year
16 2001, as may be necessary for the payment of ex-
17 penses as authorized by section 524 of title 28,
18 United States Code.

19 (17) For Support of United States Prisoners in
20 Non-Federal Institutions: \$450,858,000 for fiscal
21 year 1999, \$473,401,000 for fiscal year 2000, and
22 \$497,072,000 for fiscal year 2001, which shall re-
23 main available until expended. Such sums may be
24 expended to reimburse appropriate health care pro-
25 viders for the care, diagnosis, and treatment of

1 United States prisoners and individuals adjudicated
2 in Federal courts as not guilty by reason of insanity,
3 but only at rates that do not exceed the actual cost
4 of such care, diagnosis, and treatment. Not to ex-
5 ceed \$20,000,000 for each fiscal year shall remain
6 available until expended for the purpose of entering
7 into contracts for only the reasonable and actual
8 cost to assist the government of any State, territory,
9 or political subdivision thereof for purposes of ren-
10 ovating, constructing, and equipping any facility that
11 confines Federal detainees, in accordance with regu-
12 lations to be issued by the Attorney General com-
13 parable to the regulations issued under section 4006
14 of title 18, United States Code.

15 (18) For the United States Parole Commission:
16 \$7,621,000 for fiscal year 1999, \$8,002,000 for fis-
17 cal year 2000, and \$8,402,000 for fiscal year 2001.

18 **SEC. 102. FEDERAL PRISON INDUSTRIES.**

19 Notwithstanding section 4129 of title 18, United
20 States Code, not to exceed \$3,266,000 for fiscal year
21 1999, and not to exceed \$3,429,000 for fiscal year 2000,
22 and not to exceed \$3,601,000 for fiscal year 2001, of the
23 funds available to Federal Prison Industries may be used
24 for—

25 (1) administrative expenses; and

1 (2) services authorized by section 3109 of title
2 5, United States Code,
3 to be computed on an accrual basis in accordance with
4 the current prescribed accounting system of Federal Pris-
5 on Industries. Such funds shall be exclusive of deprecia-
6 tion, payment of claims, and expenditures that such ac-
7 counting system requires to be capitalized or charged to
8 the cost of commodities acquired or produced (including
9 selling and shipping expenses) and expenses incurred in
10 connection with acquisition, construction, operation, main-
11 tenance, improvement, protection, or disposition of facili-
12 ties and other property of Federal Prison Industries.

13 **Subtitle B—General Provisions**

14 **SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT** 15 **UNITED STATES ATTORNEYS; REDUCTION OF** 16 **CERTAIN LITIGATION POSITIONS.**

17 (a) APPOINTMENTS REQUIRED.—Not later than Sep-
18 tember 30, 2000, the Attorney General may exercise au-
19 thority under section 542 of title 28, United States Code,
20 to appoint 200 assistant United States attorneys in addi-
21 tion to the number of assistant United States attorneys
22 serving on the date of the enactment of this Act.

23 (b) SELECTION OF APPOINTEES.—Individuals first
24 appointed under subsection (a) shall be appointed from
25 among attorneys who are incumbents of 200 full-time liti-

1 gation positions in divisions of the Department of Justice
 2 and whose official duty station is at the seat of Govern-
 3 ment.

4 (c) TERMINATION OF POSITIONS.—Each of the 200
 5 litigation positions that become vacant by reason of an ap-
 6 pointment made in accordance with subsections (a) and
 7 (b) shall be terminated at the time the vacancy arises.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated such sums as may be
 10 necessary for fiscal years 1999 and 2000 to carry out this
 11 section.

12 **TITLE II—AUTHORIZATIONS OF** 13 **APPROPRIATIONS FOR PRO-** 14 **GRAMS**

15 **SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW** 16 **ENFORCEMENT ACT OF 1994.**

17 (a) EXPEDITIOUS DEPORTATION FOR DENIED ASY-
 18 LUM APPLICANTS.—Section 130005(c) of the Violent
 19 Crime Control and Law Enforcement Act of 1994 (8
 20 U.S.C. 1158 note) is amended—

21 (1) in paragraph (3) by striking “and” at the
 22 end;

23 (2) in paragraph (4) by striking the period at
 24 the end and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(5) \$90,000,000 for fiscal year 1999; and

2 “(6) \$90,000,000 for fiscal year 2000.”.

3 (b) AMENDMENTS TO VIOLENCE AGAINST WOMEN
4 ACT OF 1994.—SECTION 40114 OF THE VIOLENCE
5 AGAINST WOMEN ACT OF 1994 (PUBLIC LAW 103–322; 108
6 STAT 1910) IS AMENDED—

7 (1) in paragraph (2) by striking “and” at the
8 end;

9 (2) in paragraph (3) by striking the period at
10 the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(4) \$500,000 for fiscal year 1999; and

13 “(5) \$500,000 for fiscal year 2000.”.

14 (c) IMPROVING BORDER CONTROLS.—Section
15 130006(a) of the Violent Crime Control and Law Enforce-
16 ment Act of 1994 (8 U.S.C. 1101 note) is amended—

17 (1) in paragraph (3) by striking “and” at the
18 end;

19 (2) in paragraph (4) by striking the period at
20 the end and inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(5) \$200,000,000 for fiscal year 1999; and

23 “(6) \$200,000,000 for fiscal year 2000.”.

24 (d) EXPANDED SPECIAL DEPORTATION PROCEED-
25 INGS.—Section 130007(d) of the Violent Crime Control

1 and Law Enforcement Act of 1994 (8 U.S.C. 1252 note)
2 is amended—

3 (1) in paragraph (3) by striking “and” at the
4 end;

5 (2) in paragraph (4) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by adding at the end the following:

8 “(5) \$2,000,000 for fiscal year 1999; and

9 “(6) \$2,000,000 for fiscal year 2000.”.

10 (e) TRAINING PROGRAMS.—Section 40152(c) of the
11 Violent Crime Control and Law Enforcement Act of 1994
12 (42 U.S.C. 13941(c)) is amended by striking paragraphs
13 (1) and (2), and inserting the following:

14 “(1) \$1,000,000 for fiscal year 1999; and

15 “(2) \$1,000,000 for fiscal year 2000.”.

16 (f) MISSING ALZHEIMER’S DISEASE PATIENT ALERT
17 PROGRAM.—Section 240001(d) of the Violent Crime Con-
18 trol and Law Enforcement Act of 1994 (42 U.S.C.
19 14181(d)) is amended—

20 (1) in paragraph (2) by striking “and” at the
21 end;

22 (2) in paragraph (3) by striking the period at
23 the end and inserting a semicolon; and

24 (3) by adding at the end the following:

25 “(4) \$900,000 for fiscal year 1999; and

1 “(5) \$900,000 for fiscal year 2000.”.

2 (g) MOTOR VEHICLE THEFT PREVENTION PRO-
3 GRAM.—Section 220002(h) of the Violent Crime Control
4 and Law Enforcement Act of 1994 (42 U.S.C. 14171(h))
5 is amended—

6 (1) in paragraph (2) by striking “and” at the
7 end;

8 (2) in paragraph (3) by striking the period at
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(4) \$750,000 for fiscal year 1999; and

12 “(5) \$750,000 for fiscal year 2000.”.

13 (h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
14 ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1)
15 of the Violent Crime Control and Law Enforcement Act
16 of 1994 (42 U.S.C. 13971(c)(1)) is amended—

17 (1) in subparagraph (B) by striking “and” at
18 the end;

19 (2) in subparagraph (C) by striking the period
20 at the end and inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(D) \$15,000,000 for fiscal year 1999;

23 and

24 “(E) \$15,000,000 for fiscal year 2000.”.

1 **SEC. 202. AMENDMENTS TO THE ANTITERRORISM AND EF-**
2 **FECTIVE DEATH PENALTY ACT OF 1996.**

3 The Antiterrorism and Effective Death Penalty Act
4 of 1996 (Public Law 104–132; 110 Stat. 1214) is amend-
5 ed—

6 (1) in section 819(b) by striking “for fiscal”
7 and all that follows through “section”, and inserting
8 “to carry out this section \$5,000,000 for fiscal year
9 1999 and \$5,000,000 for fiscal year 2000”; and

10 (2) in section 821 by striking “not more than
11 \$10,000,000 for fiscal year 1997” and inserting
12 “\$10,000,000 for fiscal year 1999 and \$10,000,000
13 for fiscal year 2000”.

14 **SEC. 203. AUTHORITY TO TRANSFER PROPERTY OF MAR-**
15 **GINAL VALUE.**

16 Section 524(c)(9)(B) of title 28, United States Code,
17 is amended—

18 (1) by striking “year 1997” and inserting
19 “years 1999 and 2000”; and

20 (2) by adding at the end the following:

21 “Such transfer shall be subject to satisfaction by the recip-
22 ient involved of any outstanding lien against the property
23 transferred.”.

24 **SEC. 204. COMMUNICATIONS ASSISTANCE.**

25 The Communications Assistance for Law Enforce-
26 ment Act (47 U.S.C. 1001–1021) is amended—

(1) in section 108(c)(3) by striking “on or before January 1, 1995” and inserting “before October 1, 2000”;

(2) in section 109—

(A) in subsection (a)—

(i) in the heading by striking “JANUARY 1, 1995” and inserting “OCTOBER 1, 2000”; and

(ii) by striking “January 1, 1995” and inserting “October 1, 2000”;

(B) in subsection (b)—

(i) in the heading by striking “JANUARY 1, 1995” and inserting “OCTOBER 1, 2000”;

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A) by striking “January 1, 1995” and inserting “October 1, 2000”; and

(II) in subparagraph (J) by striking “January 1, 1995” and inserting “October 1, 2000”; and

(iii) in paragraph (2) by striking “January 1, 1995” and inserting “October 1, 2000”; and

1 (C) in subsection (d)—

2 (i) in the heading by striking “JANU-
3 ARY 1, 1995” and inserting “OCTOBER 1,
4 2000”; and

5 (ii) by striking “January 1, 1995”
6 and inserting “October 1, 2000”;

7 (3) in section 110 by striking “and 1998” and
8 inserting “1998, 1999, and 2000”; and

9 (4) in section 111(b) by striking “on the date
10 that is 4 years after the date of enactment of this
11 Act” and inserting “October 1, 2000”.

12 **SEC. 205. CRIMINAL ALIEN ASSISTANCE.**

13 Section 241(i)(5) of the Immigration and Nationality
14 Act (8 U.S.C. 1231(i)(5)) is amended by striking subpara-
15 graphs (A) through (F) and inserting the following:

16 “(A) \$750,000,000 for fiscal year 1999;

17 “(B) \$800,000,000 for fiscal year 2000;

18 and

19 “(C) \$850,000,000 for fiscal year 2001.”.

20 **TITLE III—PERMANENT**
21 **ENABLING PROVISIONS**

22 **SEC. 301. PERMANENT AUTHORITY.**

23 (a) AMENDMENT.—Chapter 31 of title 28, United
24 States Code, is amended by adding at the end the follow-
25 ing:

1 **“§ 530B. Authority to use available funds**

2 “(a) PERMITTED USES.—Except to the extent pro-
3 vided otherwise by law applicable to funds available to
4 carry out the activities of the Department of Justice (in-
5 cluding any bureau, office, board, division, commission, or
6 subdivision thereof) and in addition to authority provided
7 in subsections (a) and (b) of section 524 of this title, the
8 Attorney General may use such funds as follows:

9 “(1) GENERAL PERMITTED USES.—Such funds
10 may be used for the following:

11 “(A) The purchase, lease, maintenance,
12 and operation of passenger motor vehicles, or
13 police-type motor vehicles for law enforcement
14 purposes, without regard to general purchase
15 price limitation for the then current fiscal year.

16 “(B) The purchase of insurance for motor
17 vehicles, boats, and aircraft operated in official
18 Government business in foreign countries.

19 “(C) Services of experts and consultants,
20 including private counsel, as authorized by sec-
21 tion 3109 of title 5, and at rates of pay for in-
22 dividuals not to exceed the maximum daily rate
23 payable from time to time under section 5332
24 of title 5, United States Code.

25 “(D) Not to exceed \$200,000 for each fis-
26 cal year for official receptions and representa-

tion expenses, in accordance with distributions, procedures, and regulations established by the Attorney General.

“(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

“(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

“(G) In accordance with procedures established and regulations issued by the Attorney General—

“(i) attendance at meetings and seminars;

“(ii) conferences and training; and

“(iii) advances of public moneys under section 3324 of title 31, United States Code.

Travel advances of such funds to law enforcement personnel engaged in undercover activity shall be considered to be public money for pur-

1 poses of section 3527 of title 31, United States
2 Code.

3 “(H) For the conduct of its activities, in-
4 cluding for contracting with individuals for per-
5 sonal services abroad, except that such individ-
6 uals shall not be regarded as employees of the
7 United States for the purpose of any law ad-
8 ministered by the Office of Personnel Manage-
9 ment.

10 “(I) Payment of interpreters and trans-
11 lators who are not citizens of the United States,
12 in accordance with procedures established and
13 regulations issued by the Attorney General.

14 “(2) SPECIFIC PERMITTED USES.—

15 “(A) AIRCRAFT AND BOATS.—Funds avail-
16 able for United States Attorneys, for the Fed-
17 eral Bureau of Investigation, for the United
18 States Marshals Service, for the Drug Enforce-
19 ment Administration, and for the Immigration
20 and Naturalization Service may be used for the
21 purchase, lease, maintenance, and operation of
22 aircraft and boats, for law enforcement pur-
23 poses.

24 “(B) PAYMENT OF REWARDS; PURCHASE
25 OF EVIDENCE.—Funds available for the Federal

1 Bureau of Investigation, for the Drug Enforce-
2 ment Administration, for the Immigration and
3 Naturalization Service, and for the Federal
4 Prison System may be used for the payment of
5 rewards, for the purchase of evidence, and for
6 payment for information in connection with law
7 enforcement.

8 “(C) PURCHASE OF AMMUNITION AND
9 FIREARMS; FIREARMS COMPETITIONS.—Funds
10 available for United States Attorneys, for the
11 Federal Bureau of Investigation, for the United
12 States Marshals Service, for the Drug Enforce-
13 ment Administration, and for the Immigration
14 and Naturalization Service may be used for—

15 “(i) the purchase of ammunition and
16 firearms; and

17 “(ii) participation in firearms com-
18 petitions.

19 “(3) UNIFORMS.—Funds available for the Im-
20 migration and Naturalization Service and for the
21 Federal Prison System may be used for expenses or
22 allowances for uniforms as authorized by section
23 5901 of title 5 but without regard to the general
24 purchase price limitation for the then current fiscal
25 year.

1 “(4) FEES AND EXPENSES OF WITNESSES.—

2 Funds available for Fees and Expenses of Witnesses
3 may be used for expenses, mileage, compensation,
4 and per diem in lieu of subsistence, of witnesses as
5 authorized by law (including advances of public
6 money), but no witness may be paid more than one
7 attendance fee for any one calendar day.

8 “(5) FEDERAL BUREAU OF INVESTIGATION.—

9 (A) Funds available to the Federal Bureau of Inves-
10 tigation may be used for the conduct of its activities,
11 including for—

12 “(i) expenses necessary for the detection
13 and prosecution of crimes against the United
14 States;

15 “(ii) protection of the person of the Attor-
16 ney General;

17 “(iii) investigations regarding official mat-
18 ters under the control of the Department of
19 Justice and the Department of State, as may
20 be directed by the Attorney General;

21 “(iv) the confidential lease of surveillance
22 sites for law enforcement purposes; and

23 “(v) acquisition, collection, classification,
24 and preservation of identification and other
25 records and their exchange with, and for the of-

1 ficial use of, the duly authorized officials of the
2 Federal Government, of States, of cities, and of
3 such other institutions, as authorized by law,
4 such exchange to be subject to cancellation if
5 dissemination is made outside the receiving de-
6 partments or related agencies.

7 “(B)(i) The Federal Bureau of Investigation
8 may establish and collect fees for the processing of
9 noncriminal employment and licensing fingerprint
10 records. Such fees shall represent the full cost of
11 furnishing the service.

12 “(ii) Such fees collected shall be credited to the
13 Salaries and Expenses, Federal Bureau of Investiga-
14 tion appropriation without regard to section 3302(b)
15 of title 31 and, to the extent specified in appropria-
16 tions Acts, shall be available until expended for sala-
17 ries and other expenses incurred in processing such
18 records.

19 “(iii) No fee shall be assessed in connection
20 with the processing of requests for criminal history
21 records by criminal justice agencies for criminal jus-
22 tice purposes or for employment in criminal justice
23 agencies.

24 “(6) IMMIGRATION AND NATURALIZATION
25 SERVICE.—Funds available for the Immigration and

1 Naturalization Service may be used for the adminis-
2 tration and enforcement of laws relating to immigra-
3 tion, naturalization, and alien registration, including
4 for—

5 “(A) acquisition of land as sites for en-
6 forcement fences, and construction incidental to
7 such fences;

8 “(B) cash advances to aliens for meals and
9 lodging en route;

10 “(C) refunds of maintenance bills, immi-
11 gration fines, and other items properly return-
12 able, except deposits of aliens who become pub-
13 lic charges and deposits to secure payment of
14 fines and passage money; and

15 “(D) expenses and allowances incurred in
16 tracking lost persons, as required by public ex-
17 igencies, in aid of State or local law enforce-
18 ment agencies.

19 “(7) FEDERAL PRISON SYSTEM.—Funds avail-
20 able for the Federal Prison System may be used for
21 the conduct of its activities, including for—

22 “(A) the administration, operation, and
23 maintenance of Federal penal and correctional
24 institutions, including inmate medical services

1 and inmate legal services, within the Federal
2 prison system;

3 “(B) planning, acquisition of sites, and
4 construction of new facilities, including—

5 “(i) the purchase and acquisition of
6 facilities, and remodeling and equipping of
7 such facilities, for penal and correctional
8 institutions; and

9 “(ii) the payment of United States
10 prisoners for work performed in the activi-
11 ties described in this subparagraph,
12 which shall remain available until expended;

13 “(C) construction of buildings at prison
14 camps and acquisition of land as authorized by
15 section 4010 of title 18, United States Code;

16 “(D) the labor of the United States pris-
17 oners performed in the construction, remodel-
18 ing, renovating, converting, expanding, plan-
19 ning, designing, maintaining, or equipping of
20 prison buildings or facilities; and

21 “(E) the purchase and exchange of farm
22 products and livestock.

23 “(b) RELATED PROVISIONS.—

24 “(1) LIMITATION OF COMPENSATION OF INDI-
25 VIDUALS EMPLOYED AS ATTORNEYS.—None of the

1 funds available to the Attorney General may be used
2 to pay compensation for services provided by an in-
3 dividual employed as an attorney (other than an in-
4 dividual employed to provide services as a foreign at-
5 torney in special cases) unless such individual is duly
6 licensed and authorized to practice as an attorney
7 under the law of a State, a territory of the United
8 States, or the District of Columbia.

9 “(2) REIMBURSEMENTS PAID TO GOVERN-
10 MENTAL ENTITIES.—Funds available to the Attor-
11 ney General that are paid as a reimbursement to a
12 governmental unit in the Department of Justice, to
13 another Federal entity, or to a unit of State or local
14 government may be used under the authority appli-
15 cable to such unit or such entity that receives such
16 reimbursement.”.

17 (b) TECHNICAL AMENDMENT.—The table of sections
18 for chapter 31 of title 28, United States Code, is amended
19 by adding at the end the following:

“530B. Authority to use available funds.”.

20 **SEC. 302. PERMANENT AUTHORITY RELATING TO EN-**
21 **FORCEMENT OF LAWS.**

22 (a) AMENDMENT.—Chapter 31 of title 28, United
23 States Code, as amended by section 301, is amended by
24 adding at the end the following:

1 **“§ 530C. Report on enforcement of laws**

2 “(a) REPORT REQUIRED.—The Attorney General
3 shall transmit a report to each House of the Congress in
4 any case in which the Attorney General—

5 “(1) establishes a policy to refrain from enforce-
6 ing any provision of any Federal statute whose en-
7 forcement is the responsibility of the Department of
8 Justice, because of the position of the Attorney Gen-
9 eral that such provision is not constitutional; or

10 “(2) determines that the Department of Justice
11 will contest, or will refrain from defending, in any
12 judicial, administrative, or other proceeding, any
13 provision of any Federal statute, because of the posi-
14 tion of the Attorney General that such provision is
15 not constitutional.

16 “(b) DEADLINE FOR REPORT.—Any report required
17 by subsection (a) shall be transmitted not later than 30
18 days after the Attorney General establishes the policy
19 specified in subsection (a)(1) or makes the determination
20 specified in subsection (a)(2). Each such report shall—

21 “(1) specify the provision of the Federal statute
22 involved:

23 “(2) include a detailed statement of the reasons
24 for the position of the Attorney General; and

1 “(3) in the case of a determination specified in
 2 subsection (a)(2), indicate the nature of the proceed-
 3 ing involved.

4 “(c) DECLARATION.—In the case of a determination
 5 specified in subsection (a)(2), the representative of the De-
 6 partment of Justice participating in the proceeding shall
 7 make a declaration in such proceeding that the position
 8 of the Attorney General on the constitutionality of the pro-
 9 vision of the Federal statute involved is the position of
 10 the executive branch of the Federal Government.”.

11 “(b) TECHNICAL AMENDMENT.—The table of sec-
 12 tions for chapter 31 of title 28, United States Code, as
 13 amended by section 301, is amended by adding at the end
 14 the following:

“530C. Report on enforcement of laws.”.

15 **SEC. 303. PROTECTION OF THE ATTORNEY GENERAL.**

16 Section 533(2) of title 28, United States Code, is
 17 amended by inserting “or the person of the Attorney Gen-
 18 eral” before the semicolon at the end.

19 **TITLE IV—MISCELLANEOUS**

20 **SEC. 401. REPEALERS.**

21 (a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
 22 TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS—
 23 Chapter 319 of title 18, United States Code, is amended—

24 (1) by striking section 4353; and

1 (2) in the table of sections for such chapter by
2 striking the item relating to section 4353.

3 (b) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
4 TIONS FOR UNITED STATES MARSHALS SERVICE.—Sec-
5 tion 561 of title 28, United States Code, is amended by
6 striking subsection (i).

7 **SEC. 402. TECHNICAL AMENDMENT.**

8 Section 542(c)(5) of title 28, United States Code, is
9 amended by striking “Fund” the second place it appears
10 and inserting “Fund,”.

11 **SEC. 403. APPLICABILITY OF TITLE III.**

12 The amendments made by title III shall not apply
13 with respect to funds available for any fiscal year ending
14 before fiscal year 1999.

15 **SEC. 404. RULE OF CONSTRUCTION.**

16 Nothing in this Act or the amendments made by this
17 Act shall be construed to modify or supersede the applica-
18 tion or operation of the Public Buildings Act of 1959 (40
19 U.S.C. 601–619).

Passed the House of Representatives June 22, 1998.

Attest:

ROBIN H. CARLE,

Clerk.